

REMARKS/ARGUMENTS

Claims 70-89 remain in the application for further prosecution. By this amendment, claims 70-89 have been added. Claims 35-66 have been canceled without prejudice. Claims 1-34 and 67-69 were previously canceled.

Interview Summary

Applicant notes with appreciation the telephonic interview conducted between the undersigned, Michael Blankstein and Examiners Hsu and Hotaling on January 26, 2010. The features of the invention were explained in relation to the cited Peterson reference. Applicant agreed to consider submitting amendments to claim 35 and further arguments to distinguish Peterson.

Claim Rejections – 35 USC § 103

Claims 35-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. Publication No. 2004/0048649) and in view of Weingardt et al. (U.S. Patent No. 5,275,400).

Applicant has submitted new independent claims 70 and 80 which significantly require:

- a) displaying, on a display, a first field of player-selectable elements (shown in Figs. 9-11) including progressive award elements (such as the star symbols in Fig. 12), fixed award elements (shown in Fig. 12), and end-feature elements (collect symbol 82c in Fig. 12);
- b) allowing a player to successively select, via a player input device, elements in the first field until the player selects a predetermined number of progressive award elements (star symbols in Fig. 12) or at least one end-feature element (the collect symbol 82c in Fig. 12), whichever occurs first;

c) if the predetermined number of progressive award elements are selected prior to the at least one end-feature element (selecting the collect symbol 82c in Fig. 12), awarding, via one or more processors, the first progressive award and any fixed awards associated with any selected fixed award elements (the Blowout party jackpot based on six stars in Fig. 12 as well as 475 credits) ; and

d) if the at least one end-feature element is selected prior to the predetermined number of progressive award elements, awarding, via the one or more processors, any fixed awards associated with any selected fixed award elements but not awarding the first progressive award.

As discussed in the Interview, Peterson is distinguishable from these new elements. Peterson discloses a bonus type game where a player may spin an indicator 112 on a wheel 100 as shown in Fig. 3. When the indicator 112 stops, it allows a player to choose between a bonus game (shown in Fig. 6) represented by symbols 104a or award opportunities including a multiplier and free spins in a subgame (shown in Figs. 5A-5B) represented by symbols 106a. In some instances, a player may choose between a progressive award 108a and a number of free spins and multipliers 110a that increase via a progressive mechanism 111. Peterson does not disclose multiple selections by a player in order to be awarded a progressive award or alternative selections that result in credit awards.

Peterson does not anticipate new claims 70 and 80 because Peterson does not disclose “a first field of player-selectable elements including progressive award elements, fixed award elements, and end-feature elements.” The wheel 100 in Peterson does not disclose fixed award elements. The only other elements, other than the progressive award sections, are either free spins/multipliers or bonus game chances and not fixed awards as now required by the amended claims. Further, there are no end-feature elements in the wheel 100 shown in Figs. 3 and 4.

Peterson also does not disclose “allowing a player to successively select, via a player input device, elements in the first field until the player selects a predetermined number of progressive award elements or at least one end-feature element.” A player cannot successively select elements 102 in the wheel 100, because the player only “controls” the spin of the indicator 112 by activating it, but does not control where the indicator 112 stops on the wheel 100. Further spinning of the indicator 112 may land on the same element 102. The number of selections is not determined by the selection of an end-feature element or the landing on the progressive award 108a. The number of spins a player receives is set before the player begins spinning the indicator 112.

Peterson also does not disclose “if the predetermined number of progressive award elements are selected prior to the at least one end-feature element, awarding, via one or more processors, the first progressive award and any fixed awards associated with any selected fixed award elements.” Peterson automatically awards the progressive award if the indicator 112 lines up with the progressive award space 108a in the wheel 100, and thus no predetermined number of progressive award elements need to be selected by the player. Peterson therefore does not disclose the selection of a predetermined number of elements to be awarded the progressive award.

New dependent claims 72 and 82 are separately allowable over Peterson. These claims require “wherein the progressive feature includes a second progressive award funded at least partially by a portion of wagers received at the gaming terminal, and wherein if and only if the first progressive award is awarded, repeating the displaying, allowing, awarding, and awarding steps with respect to a second field of player-selectable elements and the second progressive award.” As explained in the interview, Peterson does not disclose a second field of player-

selectable elements that require another group of player-selectable elements for a second progressive award. Peterson also does not disclose a second progressive award.

Likewise, new dependent claims 73 and 83 require “the allowing includes allowing the player to select each element by non-randomly choosing that element’s representing icon.” The Examiner noted in the interview that the spin of the indicator 112 could be considered as a player selection. However, dependent claims 73 and 83 are not disclosed by Peterson because Peterson does not allow a player to select each element non-randomly, as the “selection” in Peterson is only activating the indicator 112. Peterson does not afford the player the ability to specifically select an element on the wheel 100 since the result of the spin is controlled by the game controller.

New dependent claims 74 and 84 also require that “each icon conceals whether its respective element is a progressive award element, fixed award element, or end-feature element.” Peterson does not conceal the selections 102 on the wheel 100. The player is aware of all of the potential outcomes on the wheel 100. Dependent claims 74 and 84 are therefore separately allowable over Peterson.

CONCLUSION

It is Applicant's belief that all of the claims are now in condition for allowance and actions towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

Date: February 12, 2010

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